

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

WILLIAM ALLEN VICKERS,)
)
 Plaintiff,)
)
 v.) 1:17CV901
)
)
KIMBERLY CHAVIS,)
)
 Defendant.)

ORDER

The Order and Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on November 1, 2017, was served on the parties in this action. No objections were filed within the time prescribed by § 636.

Plaintiff did file a motion for appointment of counsel. [Doc. #5.] In light of the recommendation of dismissal, the Court denies this motion. The court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that Plaintiff's motion for appointment of counsel [Doc. #5] is **DENIED**.

IT IS FURTHER ORDERED that this action be filed and dismissed *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects cited in the Recommendation. A

judgment dismissing this action will be entered contemporaneously with this Order.

This the 4th day of January, 2018.

/s/ N. Carlton Tilley, Jr.
Senior United States District Judge